

William R. Ellis

From: Michael Roberts [mroberts@Graydon.com]
Sent: Wednesday, October 29, 2003 1:18 PM
To: William R. Ellis
Cc: Michael Roberts
Subject: Pretorius Depo

Ellis:

As I previously indicated, since you are 2 months late on your delivery of Frey's report, I will request that the Court preclude his participation in these proceedings. Until the Court rule's on that motion and/or Frey's report is provided, I will not permit you to take Dr. Pretorius' deposition. Let me know if you consent to postpone Pretorius' depo or whether you require that I file a motion for protective order.

Mike

Michael A. Roberts
Graydon Head & Ritchey LLP
1900 Fifth Third Center
511 Walnut Street
Cincinnati, Ohio 45202-3157
Direct Dial (513) 629-2799
Fax (513) 651-3836
mroberts@graydon.com
www.graydon.com

William R. Ellis

From: William R. Ellis
Sent: Wednesday, October 29, 2003 2:58 PM
To: 'Michael Roberts'
Subject: RE: Pretorius Depo

I have properly noticed the deposition of Dr. Pretorius and intend to take his deposition as scheduled. There is just not sufficient time to do otherwise. As for Dr. Shear's deposition, 10:00 is fine and I will advise the reporter.

-----Original Message-----

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William R. Ellis

From: Michael Roberts [mroberts@Graydon.com]
Sent: Wednesday, October 29, 2003 4:15 PM
To: William R. Ellis
Cc: Michael Roberts
Subject: RE: Pretorius Depo

Bill

As you know there has never been any obstacle in scheduling Pretorius' deposition. I'm sure he will be free on multiple days between now and December, the close of expert discovery. Given these facts, a reasonable lawyer would simply consent to a postponement. But of course I knew you wouldn't. I'll file my motion for protective order and advise Dr. Pretorius that he need not appear.

Mike

>>> "William R. Ellis" <WREllis@WoodLamping.com> 10/29/03 02:57PM >>>
I have properly noticed the deposition of Dr. Pretorius and intend to take his deposition as scheduled. There is just not sufficient time to do otherwise. As for Dr. Shear's deposition, 10:00 is fine and I will advise the reporter.

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William R. Ellis

From: William R. Ellis
Sent: Wednesday, October 29, 2003 4:32 PM
To: 'Michael Roberts'
Subject: RE: Pretorius Depo

Mike, Unless the court grants your motion, I would be very hesitant to tell the witness not to appear at the scheduled time.

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Michael A. Roberts
Graydon Head & Ritchey LLP

William R. Ellis

From: William R. Ellis
Sent: Wednesday, October 29, 2003 5:35 PM
To: 'Michael Roberts'
Subject: RE: Pretorius Depo

You pay your money and take your chance.

-----Original Message-----

From: Michael Roberts [mailto:mroberts@Graydon.com]
Sent: Wednesday, October 29, 2003 5:19 PM
To: William R. Ellis
Subject: RE: Pretorius Depo

Bill

If only I could be you - the deposition is not going forward without an order of Court - so says my very capable intimidating hands.

>>> "William R. Ellis" <WREllis@WoodLamping.com> 10/29/03 04:32PM >>>

Mike, Unless the court grants your motion, I would be very hesitant to tell the witness not to appear at the scheduled time.

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